

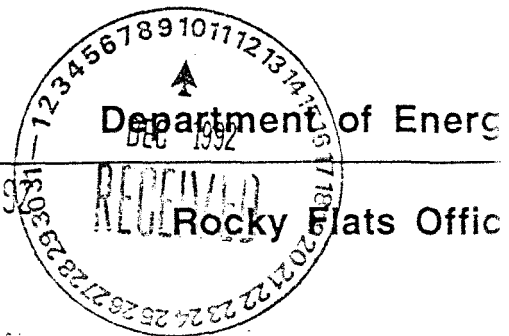
6134 RF 92

States Government

DATE 12-18-92

Memorandum

Dec 8 2 30 PM '92



ACTION	Ferrera
DIST.	Hedahl
BENEDETTI, R.L.	<input checked="" type="checkbox"/>
BENJAMIN, A.	<input type="checkbox"/>
BERMAN, H.S.	<input type="checkbox"/>
CARNIVAL, G.J.	<input type="checkbox"/>
CORDOVA, R.C.	<input type="checkbox"/>
CROUCHER, D.W.	<input type="checkbox"/>
DAVIS, J.G.	<input type="checkbox"/>
FERRERA, D.W.	<input checked="" type="checkbox"/>
HANNI, B.J.	<input type="checkbox"/>
HEALY, T.J.	<input type="checkbox"/>
HEDAH, T.G.	<input checked="" type="checkbox"/>
HILBIG, G.	<input type="checkbox"/>
IDECKER, E.H.	<input checked="" type="checkbox"/>
KIRBY, W.A.	<input type="checkbox"/>
KUESTER, A.W.	<input type="checkbox"/>
LEE, E.M.	<input checked="" type="checkbox"/>
MANN, H.P.	<input checked="" type="checkbox"/>
MARX, G.E.	<input checked="" type="checkbox"/>
McKENNA, F.G.	<input type="checkbox"/>
MORGAN, R.V.	<input checked="" type="checkbox"/>
PIZZUTO, V.M.	<input type="checkbox"/>
POTTER, G.L.	<input type="checkbox"/>
RILEY, J.H.	<input type="checkbox"/>
SANDLIN, N.B.	<input type="checkbox"/>
SATTERWHITE, D.G.	<input type="checkbox"/>
SCHUBERT, A.L.	<input checked="" type="checkbox"/>
SETLOCK, G.H.	<input checked="" type="checkbox"/>
SHEPLER, R.L.	<input type="checkbox"/>
SULLIVAN, M.T.	<input type="checkbox"/>
SWANSON, E.R.	<input type="checkbox"/>
WILKINSON, R.B.	<input type="checkbox"/>
W. J.M.	<input checked="" type="checkbox"/>
J.O.	<input type="checkbox"/>

Thompson, J. X
Barnett J. X
Zarrett J. X
Elvey G. X
Rising T. X
Basso L. C. X
Schneider E. X

CORRES CONTROL x
TRAFFIC

Reviewed for Addressee
Corres. Control RFP

12-18-92

DATE BY

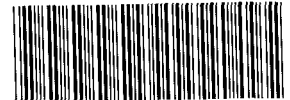
Ref Ltr. #
5293 RF 92

DEC 9 4 1992

EG&G
ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

WMED:JPS:12982

Handling of Unknown Wastes at the Rocky Flats Plant



000019859

D. Ferrera, Assistant General Manager, Technical Support, EG&G
T. Hedahl, Associate General Manager, Environmental & Waste Management, EG&G
E. Idecker, Assistant General Manager, Non-Plutonium Operations, EG&G

- Reference: 1) Memorandum from EG&G Rocky Flats to Robert M. Nelson, letter number 92-RF-12104, Subject: Colorado Department of Health and U.S. Environmental Protection Agency Inspection of the Rocky Flats Plant Utilization and Disposal Yard (11799) - DWF-711-92, dated October 13, 1992.
- 2) Memorandum from RFO to D. Ferrera and J. Kersh, memorandum number WMED:JPS:11799, Subject: Colorado Department of Health and U.S. Environmental Protection Agency Inspection of the Rocky Flats Plant Utilization and Disposal Yard, dated October 8, 1992.

My staff has reviewed reference 1 and compared the responses with the requested actions and with the intent of the applicable regulations. Upon review, it has become apparent that EG&G and the Rocky Flats Office (RFO) have a differing understanding of several related issues. These are what is meant by "process knowledge", what is a "timely response" to an unknown waste issue, and how unknown wastes should be characterized and managed.

First, reference 1 states in Action Taken (2) that "[the containers of unknown materials]... were not used in Property Utilization and Disposal (PU&D) processes and PU&D personnel do not have process knowledge of the containers." EG&G makes this statement despite several of the containers being labeled sulfuric acid, one container previously being marked hazardous waste, and several being known to previously contain hazardous wastes. This labeling and knowledge of containers previously containing hazardous waste should be sufficient information to indicate these containers should be managed as hazardous waste. RFO considers process knowledge any information known regarding the waste that would lead a reasonable person to conclude that it may be hazardous. Examples of things EG&G should consider process knowledge include labeling, container type, location found, and historical accounts. Also, it is RFO's position that the Resource Conservation and Recovery Act (RCRA) mixture and "derived from" rules must be considered when evaluating process knowledge pending the Environmental Protection Agency promulgating new rules relating to these definitions (see enclosure 1).

Second, EG&G has not diligently pursued categorization or characterization of unknown wastes in all cases. Reference 1 states that after disposal of 201 containers in October 1990, a "...review of all remaining containers was performed and an additional number of containers were discovered which contain unknown liquids." This letter goes on further to say that EG&G "...acknowledges that a probability exists that would suggest that these containers may contain RCRA-regulated substances." The disposal of the 201 containers

DOCUMENT CLASSIFICATION
REVIEW VARIATION PER
CLASSIFICATION OFFICE

was completed in approximately February 1991. Thus, EG&G has failed to categorize these wastes in over 20 months. Furthermore, an EG&G Rocky Flats memorandum from J. M. Kersh to R. M. Nelson of RFO, dated October 22, 1992 (Attachment 2), states that "The General Labs in Building 881 can provide preliminary analysis of an unknown sample, or abandoned material within 24 hours." Not having, at a minimum, a 24 hour preliminary analysis done within 20 months when on-site capability exists is completely unacceptable and non-responsive to regulatory compliance concerns. It is understood that the Rocky Flats Plant Building 881 labs are currently shut-down but they have been operational the majority of the past 20 months and should have been able to perform these preliminary analyses. In the case of at least some of the wastes, the preliminary analysis, when combined with process knowledge, could have provided enough information to initially characterize the wastes.

Third, at the point of generation of a hazardous waste EG&G must initiate proper storage and handling in accordance with applicable regulations. As RFO considers the date of discovery of an unknown waste to be equivalent to the regulatory generation date (except for environmental restoration wastes covered under other regulations or acts), suspect hazardous wastes must be handled as such. If process knowledge indicates that an unknown waste is hazardous, it must be assumed to be hazardous until proven otherwise. Therefore, suspect hazardous unknown wastes must be accumulated and stored in appropriate storage areas pending completion of analysis. Upon finding an unknown waste, EG&G must act immediately to perform a waste determination and assure proper storage and handling is undertaken.

In summary, EG&G must assure 1) that all process knowledge is considered when making initial waste determinations for unknown wastes, 2) that the determination is documented, 3) that unknown suspect hazardous wastes are stored in accordance with applicable regulations and with due regard to health, safety and environment, and 4) that applicable sampling and analysis of unknown suspect hazardous wastes is completed in a timely manner. This guidance applies to all newly discovered unknown wastes and all currently identified unknown wastes at the Rocky Flats Plant. Also, EG&G must assure that all applicable documentation including the Rocky Flats Plant Hazardous Waste Requirements Manual and Waste Requirements manual are updated to assure appropriate management practices for unknown suspect hazardous wastes are clearly stated as plant procedure.

Please provide RFO a review and assessment of all current requirements and procedures specific to the Rocky Flats Plant that govern the management of unknown wastes. With this assessment, EG&G must provide to RFO a schedule detailing how EG&G will implement any corrections to plant documents to implement the requirements. Also include the name of the EG&G manager responsible for completing this action. Please provide this assessment to RFO by December 18, 1992.

Also, reference 1 fails to respond to RFO's request for documentation suitable for transmittal to the Colorado Department of Health summarizing the actions being taken and the anticipated schedule to eliminate the unknown wastes in the PU&D yard. In reference 2, RFO requested this data be provided by October 7, 1992. Please provide the response to this previous request by December 18, 1992.

D. Ferrera / T. Hedahl / E. Idecker
WMED:JPS:12982

3

If you have any questions, please contact Tom Lukow at extension 4561 or John Schneider of my staff at extension 5924.



James K. Hartman
Assistant Manager
for Environmental Management

Attachment

cc w/ Attachment:

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M. Roy, OCC, RFO
A. Schubert, EG&G
J. Thompson, EG&G
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H. Mann, EG&G